vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.459 OF 2005
IN
SUIT NO.383 OF 2005

Mahindra Vaibhav Sahniwas
Co-op. Hsg. Soc. Ltd. ... Plaintiff

V/s.

The Brihan Mumbai Municipal
Corporation ... Defendant

Mr.R.C. Kaushik for Plaintiff
Mr.H.C. Pimple for Defendant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JUNE 15, 2006**

P.C.:

. This Motion has been taken out by the Plaintiff for a direction against the Mumbai Municipal Corporation, the Defendant herein, to recover the arrears of property taxes from the individual defaulters of the plaintiff society as per section 209A of the Mumbai Municipal Corporation Act. The Plaintiff is a cooperative housing society. Some of its members have defaulted in paying the taxes to the plaintiff society for it to forward them to the Defendant. According to the Plaintiff, members who are prompt in payment of taxes are unnecessarily put to hardship on account of defaulting members. Therefore, a direction is sought that the defaulter members be issued individual notices by the Corporation.

2. An affidavit of the Assistant Assessor and Collector, R/South Ward has been filed in reply to the Motion. He has stated therein that the Defendant is ready and willing to issue individual notices to the defaulting members of the plaintiff society, on a list of such members being furnished by the Society. In view of this statement in the affidavit, the Notice of Motion is disposed off.

3. The plaintiff will supply a list of the members of their society indicating whether any of them have defaulted in payment of property taxes within four weeks from today. On such a list being furnished to the defendant, the defendant will issue demand notices to the individual defaulters within 4 weeks thereafter. The attachment levied had been stayed by the order dated 18.12.2004 passed by this Court on the plaintiff depositing certain amount. The attachment will be stayed till the aforesaid exercise is carried out.